

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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John Galloway, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	INDEX NO. 1:07-cv-06435 (LTS)
	:	
Apartment Investment and Management	:	
Company, <i>et al.</i> ,	:	
	:	
Defendant.	:	
-----	X	

PLAINTIFFS' MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Civil Rule 1.4, Cohen, Milstein, Hausfeld, & Toll, P.L.L.C. ("Plaintiffs' Counsel") hereby seek permission of the Court to withdraw its appearance as counsel for Plaintiffs Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tochtermann, Bradford Tripp, and Charles Wright, III. Plaintiffs' Counsel have good cause for withdrawal due to Plaintiffs' lack of communication and cooperation with Plaintiffs' Counsel, and Plaintiffs' Counsel have given these plaintiffs reasonable notice that this lack of communication will result in their withdrawal as counsel.

Plaintiffs' Counsel have made repeated attempts to secure responses to discovery served upon these 6 plaintiffs. *See* Declaration of Llezlie L. Green. Despite their exhaustive efforts, Plaintiffs' Counsel have been unable to communicate with these plaintiffs, and, as a result, are no longer able to prosecute their claims. *See id.* In contrast, Plaintiffs have served discovery responses from 11 other plaintiffs.

A copy of this motion will be sent to Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tochtermann, Bradford Tripp, and Charles Wright, III by certified mail, return receipt requested, contemporaneously with the motion's submission to the court.

Accordingly, pursuant to Local Civil Rule 1.4, Plaintiffs respectfully seek leave of the Court to withdraw as counsel for Plaintiffs Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tochtermann, Bradford Tripp, and Charles Wright, III.

Plaintiffs' Counsel have conferred with Defendants' counsel who have indicated they do not oppose this motion. Plaintiffs' Counsel could not confirm if any plaintiff will oppose this motion, as the motion is based upon Plaintiffs' failure to communicate with counsel.

Dated: May 9, 2008

Respectfully submitted,

/s/ Llezlie L. Green

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of May, 2008, I caused a true and accurate copy of Plaintiffs' Motion to Withdraw As Counsel to be served via the electronic filing system upon:

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